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April 9, 2001

Via Overnight Delivery

Arizona Corporation Commission
Docket Control-Utilities Division
1200 West Washington Street
Phoenix, Arizona 85007-2996

Arizona Corporation Commission
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RE: U S WEST § 271 Application
Docket No. T-00000B-97-0238

To the Commission:

Enclosed are the original and ten copies of an errata to Page 8 of AT&T and TCG Phoenix's March 16, 2001 Closing Brief on Disputed Issues Regarding Checklist Item 14, Resale. The addition to Page 8 is underlined.

Yours truly,

Donald R. Finch

Donald R. Finch

Enclosures
cc: Service List

quality, the innocent reseller not only did not acquire the service for which it paid, but it may be liable to its end-user customer for the full cost of the end-user's service while Qwest—the cause of the problem—would limit its liability to a fraction of the actual damage it caused.²⁴ This is manifestly unfair and certainly not at parity with what Qwest would have to do in regard to making its own end-user customers whole for their losses under the retail service quality tariff. Qwest is expressly discriminating against its wholesale customers and creating unreasonable and discriminatory limitations on the services subject to resale.²⁵ Such conduct is contrary to the Act, 47 U.S.C. § 251(c)(4)(B) and the FCC's requirements, First Report and Order at ¶ 939 and 47 C.F.R. § 51.603(a).

To remedy the SGAT deficiencies, AT&T recommends that the Arizona Commission either (a) order Qwest to delete SGAT §§ 6.2.3.1 and 6.2.3.2, replacing them with the language from AT&T Exhibit 2 ATT 8, attached hereto for Commission convenience as **Exhibit A** or (b) find Qwest in non-compliance with § 271 until it submits appropriate remedies for resellers.

3. Issues Log No. 14-4 & 5; SGAT §§ 6.4.1 & 6.6.3 – Qwest's Desire to Take Unfair Advantage of Misdirected CLEC Customer Contact is Anticompetitive and Constitutes a Violation of § 271 of the Act.

SGAT §§ 6.4.1 and 6.6.3 deal with customers that, in error, call the wrong carrier with questions about service or maintenance and repair. Under the terms of its SGAT, Qwest maintains that it ought to be allowed to turn these misdirected calls into solicitation opportunities for itself.²⁶ As grounds for this anticompetitive conduct, Qwest claims that the U. S.

²⁴ 2/13/01 Trans. Vol. VII at p. 1382, ln. 1 – p. 1384, ln. 10.

²⁵ Not only does Qwest's SGAT provision show discrimination as between wholesale and retail customers, but by Qwest's own admission it doesn't perceive the reseller as a customer at all; "[w]ell, we don't provide the service to the CLEC, in fact; we provide it to the end user. I do appreciate the semantics or the theoretical notion that we provide the service to the reseller, but we don't; we provide it to the end user." Washington Workshop Tr. 2609, lns. 6-9 (quoting Ms. Lori Simpson, Qwest resale witness).

²⁶ 11/15/00 Trans. Vol. VI at p. 1193, lns. 19-25.

CERTIFICATE OF SERVICE

I certify that the original and 10 copies of an errata to AT&T's March 16, 2001 Closing Brief on Disputed Issues Regarding Checklist Item 14, Resale in Docket No. T-00000A-97-0238 were sent by overnight delivery on April 9, 2001 to:

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